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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,281	10/22/2003	Jeffrey M. Stefan	GP-304072 (2760/142)	4899

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EXAMINER	
GIBSON, ERIC M	

ART UNIT	PAPER NUMBER
3661	

DATE MAILED: 03/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/691,281	STEFAN ET AL.	
	Examiner	Art Unit	
	Eric M Gibson	3661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 October 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *22 October 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Oath/Declaration

1. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

a. It does not identify the citizenship of each inventor.

b. It does not identify the mailing address of each inventor. A mailing address is an address at which an inventor customarily receives his or her mail and may be either a home or business address. The mailing address should include the ZIP Code designation. The mailing address may be provided in an application data sheet or a supplemental oath or declaration. See 37 CFR 1.63(c) and 37 CFR 1.76.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Uchida et al. (US006127947A).

a. Per claim 1, Uchida teaches a method of providing field service software updates to a mobile vehicle having a telematics device including initiating a vehicle field service software update (108, figure 3), sending and receiving field service software update data (109, figure 3) to a vehicle telematics device (column 19, lines 15-18,

Uchida teaches wireless communication), and providing the field service software update data to at least one vehicle system from the vehicle telematics device wherein the at least one system is updated (110, figure 3; column 20, lines 1-25).

b. Per claim 2, Uchida teaches identifying a vehicle for updating (column 15, lines 51-58) and associating field service software update data with at least one system and providing the field service software update data to a telematics service center for delivery to the identified vehicle (column 19, lines 1-9).

c. Per claim 3, Uchida teaches providing a vehicle service update request responsive to detecting a field service software update trigger event (column 15, lines 26-27).

d. Per claim 4, Uchida teaches providing a vehicle service update request responsive to detecting a field service software update trigger event (column 18, lines 46-55).

e. Per claim 5, Uchida teaches storing the update data at the vehicle telematics device (110, figure 3).

f. Per claim 6, Uchida teaches detecting a field service software update trigger event at the telematics device (102, figure 3), accessing an update program module (104, figure 3), and invoking the update program module wherein the module applies the received field service update data to update the at least one vehicle system (110, figure 3; column 20, lines 1-25).

g. Per claim 7, Uchida teaches detecting a field service software update trigger event at the telematics device (102, figure 3), accessing the data (109, figure 3),

and applying the service update data to update the at least one vehicle system (110, figure 3; column 20, lines 1-25).

h. Per claims 8 and 9, Uchida teaches that the system includes a processor for performing the updating (column 19, lines 41-42).

i. Per claim 10, Uchida teaches that the update data includes vehicle system parameters (column 20, lines 1-25).

j. Per claim 11, Uchida teaches a method, which can is executed using computer readable code (column 13, line 66 – column 14, line 2) of providing field service software updates to a mobile vehicle having a telematics device including initiating a vehicle field service software update (108, figure 3), sending and receiving field service software update data (109, figure 3) to a vehicle telematics device (column 19, lines 15-18, Uchida teaches wireless communication), and providing the field service software update data to at least one vehicle system from the vehicle telematics device wherein the at least one system is updated (110, figure 3; column 20, lines 1-25).

k. Per claim 12, Uchida teaches identifying a vehicle for updating (column 15, lines 51-58) and associating field service software update data with at least one system and providing the field service software update data to a telematics service center for delivery to the identified vehicle (column 19, lines 1-9).

l. Per claim 13, Uchida teaches detecting a field service software update trigger event at the telematics device (102, figure 3), accessing an update program module (104, figure 3), and invoking the update program module wherein the module

applies the received field service update data to update the at least one vehicle system (110, figure 3; column 20, lines 1-25).

m. Per claim 14, Uchida teaches detecting a field service software update trigger event at the telematics device (102, figure 3), accessing the data (109, figure 3), and applying the service update data to update the at least one vehicle system (110, figure 3; column 20, lines 1-25).

n. Per claims 15 and 16, Uchida teaches that the system includes a processor for performing the updating (column 19, lines 41-42).

o. Per claim 17, Uchida teaches a system for providing field service software updates to a mobile vehicle having a telematics device including means for initiating a vehicle field service software update (108, figure 3), means for sending and receiving field service software update data (109, figure 3) to a vehicle telematics device (column 19, lines 15-18, Uchida teaches wireless communication), and means for providing the field service software update data to at least one vehicle system from the vehicle telematics device wherein the at least one system is updated (110, figure 3; column 20, lines 1-25).

Conclusion

3. The references made of record and not relied upon are considered pertinent to applicant's disclosure. Bodin et al. (US006847872B2) teaches supplemental diagnostic and services resources planning for mobile systems. Kacel (US006687587B2) teaches a method and system for managing vehicle control modules through telematics. Razavi et al. (US006370449B1) teaches upgradeable vehicle component architecture. Razavi

et al. (US006253122B1) teaches a software upgradeable dashboard. Colson et al. (US006181994B1) teaches a method and system for vehicle initiated delivery of advanced diagnostics based on the determined need by the vehicle. Doyle (US005815071A) teaches a method and apparatus for monitoring parameters of vehicle electronic control units. Parrillo (US005442553A) teaches a wireless motor vehicle diagnostic and software upgrade system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric M Gibson whose telephone number is (703) 306-4545. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on (703) 305-8233. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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